

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5156 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ELEFUR INDUSTRIES (INDIA) PVT LTD

Versus

UNION OF INDIA  
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Appearance:

M/S TRIVEDI & GUPTA for Petitioners  
MR M R SHAH for Respondent No. 1  
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CORAM : MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE C.K.BUCH

Date of decision: 22/07/1999

ORAL JUDGEMENT

Rule. Mr. M.R.Shah appears and waives service of Rule on behalf of respondent No.1. In the facts and circumstances of the case, the matter is taken up for final hearing today.

This petition is filed against stay order No.367 of 1999 on May 25,1999. Appeal is pending before the appellate authority. All questions which are sought to be agitated before us can well be agitated before the appellate authority. In the facts and circumstances of the case, when the appellate authority has directed the petitioner to deposit an amount of Rs. 70,600/- as a pre-deposit in the exercise of discretion, it cannot be said that no such order could have been passed. For the said reason, we do not see any ground to interfere with the order passed by the appellate authority in stay application.

It was, however, stated that the petitioners are in financial constraints and some more time may be granted. The amount as directed by the appellate authority will be deposited by the petitioner on or before August 16,1999 by any method permissible under law. Appeal will not be dismissed till then, but the appeal will be heard only after the said payment is made. If payment is not made within the stipulated period, it is open to the appellate authority to pass appropriate order in accordance with law. Rule is made absolute to the aforesaid extent. No order as to costs.

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parekh